

Message

From: Wester, Barbara [wester.barbara@epa.gov]
Sent: 7/30/2020 5:26:57 PM
To: NILWG [NILWG@epa.gov]
Subject: 7th Circuit decision upholding boundaries of the Oneida-Wisconsin Reservation
Attachments: Oneida 7th Cir. decision 7-30-20.pdf

All - Great news from R5 today: A 7th Circuit panel reversed a Wisconsin District Court decision that had determined that the Oneida-Wisconsin Tribe's reservation had been diminished. In an opinion closely hewing to *McGirt*, the 7th Circuit found that there had been no congressional action to diminish or disestablish the Oneida reservation. The Court also affirmed the general rule that state or local regulation of tribes on reservations is preempted by federal law and that there were no "exceptional circumstances" (citing, *inter alia*, *New Mexico v. Mescalero Apache Tribe*, 462 U.S. 324 (1983)) here that would warrant the application of the Defendant/Appellee-Village's regulations to the Tribe's activities.

There has been a very long and extremely contentious relationship between the Village of Hobart and the Oneida tribe, this appeal being just the latest in decades of legal skirmishes. It will remain to be seen whether the controversy is now ended or if this is only the close of the latest chapter.

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